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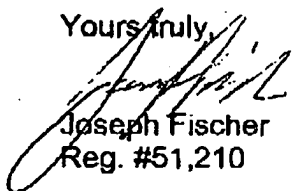
TO : Commissioner for Patents
COMPANY : USPTO
FAX No. : 1-571-273-8300
No of PAGES : 16 (including cover sheet)
FROM : Joseph Fischer
DATE : August 15, 2005
RE : Serial Number 09/028,187; Filed 02/23/1998
ATTY. DOCKET NO: M-95-3195-U.(old); 10646-007-U17(new)

VIA FACSIMILE ONLY

Attached please find for entry into the above-referenced application:

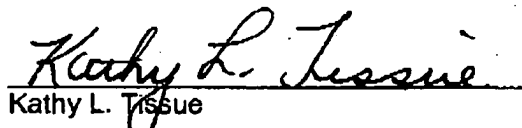
- 1) Request for Reconsideration of Petition Under 37 CFR 1.137(b) for Revival of an Application for Patent Abandoned Unintentionally (3 pages);
- 2) Reply Under 37 CFR 1.116 to Final Office Action Mailed by Patent Examiner March 30, 1999 (7 pages);
- 3) Supplemental Declaration and Power of Attorney (with Schedule A) (4 pages); and
- 4) Terminal Disclaimer (1 page).

Yours truly,


Joseph Fischer
Reg. #51,210

Certificate of Transmission

I hereby certify that this correspondence is being
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Kathy L. Tissue

BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Carlos Neto Mendes Group Art Unit: 3721

Applicant: Carlos Neto Mendes

Serial No.: 09/028,187

Atty. Dkt.: M-95-3195-U. (old)
10646-007-U17 (new)
Internal Code: U.17

Filed: 02/23/1998

Title: FILTERING DEVICE FOR A CITRUS JUICE EXTRACTION MACHINE AND
CONFIGURATION OF A PERFORATING FILTERING TUBE FOR THE
EXTRACTION OF FRUIT JUICES AND CONFIGURATION OF A CONCAVE AND
RADIALLY CUT HEMISPHERE FOR THE CUTTING AND PRESSING OF FRUIT
FOR THE EXTRACTION OF JUICES

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.137(b) FOR
REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner for Patents:

Regarding the above-identified matter, reconsideration of the Dismissal, mailed June 21, 2005, of Applicant's Petition to Revive ("Petition") is respectfully requested.

The basis for grant of this Petition is as stated in the documents originally filed, as supplemented by the information provided herein.

First, Applicant's Reply under 37 CFR 1.116 was submitted November 4, 2004 with the Petition to Revive. This Reply sought allowance based on making no amendments to claims 1-3, allowed in the 03/30/1999 Final Office action, and providing a Terminal Disclaimer to overcome rejection of claims 4, 5 and 7. This Reply evidences Applicant's present intent to proceed with and not abandon this application, serial number 09/028,187.

Further evidence of Applicant's intent to not abandon the above-referenced application is found in Applicant's communications to his former attorney, Mr. Bode. Among others, an email to Mr. Bode dated 27 August 2002 (B-10 in Appendix B of Petition) stated that

Applicant had been informed by the Patent Office of the abandonment of 09/028,187 and other abandoned applications. At that time Applicant knew that some of the other abandoned applications had allowed claims, but was not aware that 09/028,187 had allowed claims. Applicant's lack of knowledge about 09/028,187, evidenced for example by document B-12, was due to Mr. Bode's failure to communicate the information to Applicant. The 27 August 2002 email goes on to instruct Mr. Bode to do a thorough investigation and asks for assurances that "all matters are under control and/or can be quickly and completely rectified so that our intellectual property rights are fully protected under US law." This evidences Applicant's intent at that time to proceed to issuance of all applications having allowed claims. The fact that Applicant was not aware that 09/028,187 had allowed claims, due to Mr. Bode's failure to provide proper communications about this case to Applicant (see B-12, B-32a and B-32b), should not take away from the fact that Applicant had a clear intent to obtain grant of all applications having allowed claims.

Thus, despite inappropriate conduct by Mr. Bode that should not be impugned to Applicant, Applicant possessed an intent to further prosecute applications such as 09/028,187 to issuance, based on having allowed claims. Also, as to the period prior to 27 August 2002, it is not proper to infer or deduce an intent by Applicant to abandon an application for which he was not made aware of allowed claims.

Further, it appears that there was some confusion about two statements in the "Paper providing additional sheets . . ." ("Paper") supplied with the Petition to Revive. It appears that the present Attorney for Applicant used language in that Paper that was interpreted at the Patent Office to "appear[s] that applicant's intent was to expressly abandon this application in favor of continuation-in-part application 09/377,936 . . .". This was never intended, and appears related to an unfortunate choice of language that was taken out of context. Also, as clear from the Paper, Mr. Bode's improper acts or failures to act should not be impugned to the Applicant. The intent to further prosecute the present application, specifically to obtain issuance of claims allowed or rejected but allowable upon provision of a Terminal Disclaimer, is more strongly evidenced by the Reply provided with the Petition to Revive.

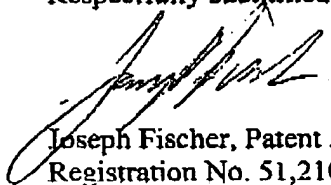
This is further supported by comparing the scope of the specification and claims of the present application with the two next-filed applications, 09/377,936 and 09/377,937. The claims for 09/377,936 include a limitation of a specific drive arrangement for driving two opposing juicing devices, and the 09/377,937 claims are directed to specific aspects of a filter of a juicing device. In contrast, the present application is directed to an invention having broader scope than either of these later-filed applications.

In summary, in view of the above and the previously provided information, and further in view of the differences in the specifications and claims of the present application and 09/377,936 and 09/377,937, no inference or conclusion of an intent to abandon the present application by Mr. Bode should be impugned to the Applicant. More generally, it is not proper to impugn to the Applicant the above-noted and any other actions or failures to act of Mr. Bode.

If any other information is required to make an informed decision, the courtesy of a telephone call to the undersigned would be appreciated to avoid further delays in advancing this matter.

A Reply to the July 3, 2002 Non-Final Office action is provided herewith with Terminal Disclaimer and Supplemental Declaration. This Reply is identical to the Reply filed November 4, 2004, however with dates and certificates updated. This Reply and noted related documents are provided herewith to assure consideration in that the Dismissal stated that the Petition lacked the Reply.

Respectfully submitted,



Joseph Fischer, Patent Attorney
Registration No. 51,210

Beusse Brownlee Wolter Mora & Maire, P.A.
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Kathy L. Tissue
Kathy L. Tissue

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: : Carlos Neto Mendes
Examiner : S.F. Gerrity
Art Unit : 3721
Docket No. : M-95-3195-U.17-CIP (new docket number 10646-007)
Serial No. : 09/028,187
Filed : February 23, 1998
For: : FILTERING DEVICE FOR A CITRUS JUICE EXTRACTION
MACHINE AND CONFIGURATION OF A PERFORATING
FILTERING TUBE FOR THE EXTRACTION OF FRUIT JUICES AND
CONFIGURATION OF A CONCAVE AND RADially CUT
HEMISPHERE FOR THE CUTTING AND PRESSING OF FRUIT FOR
THE EXTRACTION OF JUICES

Commissioner for Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY UNDER 37 CFR 1.116 TO FINAL OFFICE ACTION MAILED BY
PATENT EXAMINER MARCH 30, 1999

This Reply is in response to the Final Office Action mailed in the captioned application on March 30, 1999. That Office Action provided a shortened statutory period of three months. This Reply is provided with a Petition to Revive the application. In accordance with MPEP 711.03(c)II.A., a petition for an extension of time under 37 CFR 1.136 and a fee for such an extension of time are not required to be included with this Reply when submitted with a Petition

to Revive, so no such fee is provided herewith.

Amendments to the Specification begin on page 3.

Remarks begins on page 5.

Amendments to the Specification:

Delete the claims to priority beginning on page 1, line 1, through page 3, line 7, and replace with the following paragraph:

This application is a continuation-in-part of U.S. Serial No. 08/884,529 filed June 27, 1997, which is a continuation-in-part of U.S. Serial No. 08/763,679 filed December 11, 1996; and which also is a continuation-in-part of U.S. Serial No. 08/759,727 filed December 6, 1996; and which also is a continuation-in-part of U.S. Serial No. 08/759,722 (now U.S. Pat. No. 5,720,219) filed December 6, 1996; and which also is a continuation-in-part of U.S. Serial No. 08/759,723 filed December 6, 1996; and which also is a continuation-in-part of U.S. Serial No. 08/759,724 filed December 6, 1996; and which also is a continuation-in-part of U.S. Serial No. 08/681,622 filed July 29, 1996; and which also is a continuation-in-part of U.S. Serial No. 08/681,623 filed July 29, 1996; and which also is a continuation-in-part of U.S. Serial No. 08/681,624 filed July 29, 1996; and which also is a continuation-in-part of U.S. Serial No. 08/681,625 filed July 29, 1996; and which also is a continuation-in-part of U.S. Serial No. 08/681,626 (now U.S. Pat. No. 5,802,964) filed July 29, 1996; and which also is a continuation-in-part of U.S. Serial No. 08/681,658 filed July 29, 1996; and which also is a continuation-in-part of U.S. Serial No. 08/681,627 (now U.S. Pat. No. 5,720,218) filed July 29, 1996; and which also is a continuation-in-part of U.S. Serial No. 08/681,628 filed July 29, 1996; and which also is a continuation-in-part of U.S. Serial No. 08/647,066 (now U.S. Pat. No. 5,655,441) filed May 9, 1996.

At Page 10, after Line 17 amend the heading as follows:

BRIEF DESCRIPTION OF THE DRAWINGS: ~~(FIGURES 1—3)~~

At Page 15, after Line 11 delete heading as follows:

~~BRIEF DESCRIPTION OF THE DRAWING (FIGURES 7—11a)~~

At Page 19, after Line 12 delete the heading as follows:

~~BRIEF DESCRIPTION OF THE DRAWING (FIGURES 12-13)~~

At Page 22, after Line 17 delete the heading as follows:

~~BRIEF DESCRIPTION OF THE DRAWING (FIGURES 14-17)~~

At page 11, after line 1 insert the following:

FIGURE 4 shows a partial side view of the machine, partially in cross-section, displaying details of the device;

FIGURE 5 illustrates a plan view of the device installed on the machine;

FIGURE 6 illustrates the perforating filter;

FIGURE 7 illustrates the top view detailing the device in question together with the cutting, pressing and juice extraction mechanism;

FIGURE 8 illustrates a cross-sectional side view and top view of the juice collector;

FIGURE 9 illustrates on a larger scale the support of the perforating filter;

FIGURE 10 illustrates the perforating tube's piston;

FIGURE 11 illustrates the cross-section of the perforating filtering tube;

FIGURE 12 shows the tube in a cross-sectional view and a side view;

FIGURE 13 shows the tube perspective;

FIGURE 14 shows in a plan, the external shape of one of the radially cut and concave hemispheres;

FIGURE 15 shows a cross-section of the internal part of one of the radially cut and concave hemispheres;

FIGURE 16 shows the two radially cut and concave hemispheres in the operating position; and

FIGURES 15 and 17 illustrate cut B-B and a cut A-A of FIGURE 14.

REMARKS

Claims 1-5 and 7 are pending in this application. In the Final office action mailed 03/30/1999, the Examiner allowed claims 1-3. To advance this application to issue, Applicant provides a Terminal Disclaimer to overcome the rejection of claims 4, 5, and 7. To advance this application to issue, Applicant has not made any amendments to the claims. It is noted that claims 1-4 were last amended in the Response filed 02/13/1999 by the former attorney, Mr. George Bode. Claims 5 and 7 are the claims as originally filed.

Correction of Priority Claims

The present attorney has noticed what appears to be an improper claim to priority to previous applications, and has provided, for consideration, an amendment to the specification to present a proper claim to priority. Applicant had filed a number of applications, each claiming priority under 35 U.S.C. § 119 to a respective application filed in Brazil. However, the former attorney for Applicant, Mr. George Bode, had stated that U.S. application number 08/884,529, filed June 27, 1997, claimed priority under 35 U.S.C. § 119 to 16 of these Brazilian applications. Because some of these Brazilian applications have filing dates more than one year before June 27, 1997, and because a number of other U.S. applications that were in fact co-pending and claimed priority to these earlier Brazilian applications could properly be shown in the priority claim, the present amendment is made to include these other, intervening U.S. applications.

It is believed that such amendment to priority claim is proper under the pre-September 20, 2000 changes to 37 CFR 1.78 (effective November 29, 2000). A newly executed Supplemental Declaration by the inventor is provided. The Supplemental Declaration makes proper claims to priority to prior co-pending U.S. patent applications in accordance with 35 U.S.C. § 120, and to corresponding Brazilian patent applications in accordance with 35 U.S.C. § 119. No new matter is added to this application by this amendment. Entry of this Supplemental Declaration is respectfully requested.

Objection to Specification

The Examiner has objected to the amendments to the specification adding four separate headings for "Brief Description of the Drawing . . ." provided in the Response mailed February 13, 1999 by the former attorney of record. Assuming that these amendments were entered by the Examiner, Applicant herein amends the specification to remove these headings by deletion. In the alternative, Applicant respectfully requests that these amendments to delete are ignored if, in fact, the Examiner never entered the amendments that were provided in the Response mailed February 13, 1999.

To further address the objection, Applicant also herein amends the specification to provide all brief descriptions of the drawings in a single location, below an amended heading (at page 10, line 17). These descriptions are taken from the original specification and moved to a single location as shown herein. The descriptions throughout the specification are also left where originally provided to avoid unnecessary amendments to remove these, and to maintain continuity in the specification. No new matter is added with these amendments.

Claim Rejections - Double Patenting

In the 03/30/1999 Final office action the Examiner rejected claims 4, 5 and 7 under the judicially created doctrine of nonstatutory double patenting.

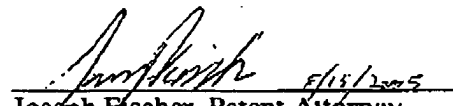
Applicant provides a Terminal Disclaimer to overcome the Examiner's rejection of claims 4, 5, and 7 in view of claims 1-3 of U.S. 5,720,218. The "conflicting" referenced patent, U.S. 5,720,218, is commonly owned with the present application.

* * * * *

All claims having either been placed in condition for allowance or cancelled, expedited passage of this case to issuance is respectfully solicited.

In view of the complexity of priority and the importance of this application to the client, the undersigned offers to participate in a telephonic or an in-person interview with the Examiner to clarify any issues in order to advance this application to issue.

Respectfully submitted,


Joseph Fischer, Patent Attorney
Registration No. 51,210
(Customer No. 29,847)
Beusse Brownlee Wolter Mora & Maire, P.A.
390 N. Orange Avenue, Suite 2500
Orlando, FL 32801
Telephone: 407-926-7727
Fax: 407-926-7720

SUPPLEMENTAL DECLARATION FOR PATENT APPLICATION

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As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name.

I believe that I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **FILTERING DEVICE FOR A CITRUS JUICE EXTRACTION MACHINE AND CONFIGURATION OF A PERFORMING FILTERING TUBE FOR THE EXTRACTION OF FRUIT JUICES AND CONFIGURATION OF A CONCAVE AND RADially CUT HEMISPHERE FOR THE CUTTING AND PRESSING OF FRUIT FOR THE EXTRACTION OF JUICES**, the specification of which was submitted and originally filed on February 23, 1998 as Application Serial No. 09/028,187 and for which a Petition for Revival is submitted herewith (Attorney Docket No. 10646-007-U17).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Sec. 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any relevant foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
Please see the attached Schedule A.			<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, Sec. 120 of any United States application listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in any prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, I acknowledge duty to disclose material information as defined in Title 37, Code of Federal Regulations, Sec. 1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Status (Patented, Pending, Abandoned)
Please see the attached Schedule A.		

CLP

Please address all correspondence regarding this application to:

Name	Joseph Fischer				
Address	Beusse, Brownlee, Wolter, Mora & Mairé, P.A.				
Address	390 North Orange Avenue, Suite 2500				
City	Orlando	State	Florida	Zip	32801
Country	US	Telephone	(407) 926-7727	Fax	(407) 926-7720

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Sec. 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

INVENTOR:

CARLOS MENDES NETO

INVENTOR'S SIGNATURE

DATE:

NOVEMBER 03, 2004

RESIDENCE:

Araraquara, SP, Brazil

COUNTRY OF CITIZENSHIP: USA (since 1998)

POST OFFICE ADDRESS: Rua Voluntários de Pátria 1766 - apt. 101
CEP 14-801-320, Araraquara, SP, Brazil

SCHEDULE A
TO SUPPLEMENTAL DECLARATION FOR U.S. PATENT APPLICATION
SERIAL NO. 09/028,187

The above-identified U.S. Patent application is a continuation-in-part of U.S. Serial No. 08/884,529 filed June 27, 1997, which is a continuation-in-part of U.S. Serial No. 08/763,679 filed December 11, 1996 (which claims priority, under 35 U.S. Code § 119 based on Brazilian Application No. MU-7502884-4 filed December 15, 1995); and which also is a continuation-in-part of U.S. Serial No. 08/759,727 filed December 6, 1996 (which claims priority, under 35 U.S. Code § 119 based on Brazilian Application No. MU-7502786-0 filed December 8, 1995); and which also is a continuation-in-part of U.S. Serial No. 08/759,722 (now U.S. Pat. No. 5,720,219) filed December 6, 1996 (which claims priority, under 35 U.S. Code § 119 based on Brazilian Application No. MU-7502785-2 filed December 8, 1995); and which also is a continuation-in-part of U.S. Serial No. 08/759,723 filed December 6, 1996 (which claims priority, under 35 U.S. Code § 119 based on Brazilian Application No. MU-7502784-4 filed December 8, 1995); and which also is a continuation-in-part of U.S. Serial No. 08/759,724 filed December 6, 1996 (which claims priority, under 35 U.S. Code § 119 based on Brazilian Application No. MI-5501976-5 filed December 8, 1995); and which also is a continuation-in-part of U.S. Serial No. 08/681,622 filed July 29, 1996 (which claims priority, under 35 U.S. Code § 119 based on Brazilian Application Nos. MU-7501583-3, PI-9503109-0 and MI-5501053-9 all filed August 7, 1995); and which also is a continuation-in-part of U.S. Serial No. 08/681,623 filed July 29, 1996 (which claims priority, under 35 U.S. Code § 119 based on Brazilian Application No. PI-9503518-4 filed August 1, 1995); and which also is a continuation-in-part of U.S. Serial No. 08/681,624 filed July 29, 1996 (which claims priority, under 35 U.S. Code § 119 based on Brazilian Application No. MU-7501781-4 filed August 1, 1995); and which also is a continuation-in-part of U.S. Serial No. 08/681,625 filed July 29, 1996 (which claims priority, under 35 U.S. Code § 119 based on Brazilian Application No. MU-7501780-6 filed August 1, 1995); and which also is a continuation-in-part of U.S. Serial No. 08/681,626 (now U.S. Pat. No. 5,802,984) filed July 29, 1996, (which claims priority, under 35 U.S. Code § 119 based on Brazilian Application No. MU-7501779-2 filed August 1, 1995); and which also is a continuation-in-part of U.S. Serial No. 08/681,658 filed July 29, 1996, (which claims priority, under 35 U.S. Code § 119 based on Brazilian Application No.

Cay

MI-5501199-3 filed August 1, 1995 (renumbered to DI-5701955-0)); and which also is a continuation-in-part of U.S. Serial No. 08/681,627 (now U.S. Pat. No. 5,720,218) filed July 29, 1996, (which claims priority, under 35 U.S. Code § 119 based on Brazilian Application No. MI-5501198-5 filed August 1, 1995 (renumbered to MI-7800719-4)); and which also is a continuation-in-part of U.S. Serial No. 08/681,628 filed July 29, 1996, (which claims priority, under 35 U.S. Code § 119 based on Brazilian Application No. MI-5501197-7 filed August 1, 1995 (renumbered to DI-5802144-2)); and which also is a continuation-in-part of U.S. Serial No. 08/647,066 (now U.S. Pat. No. 5,655,441) filed May 9, 1996, (which claims priority, under 35 U.S. Code § 119 based on Brazilian Application No. PI-9502244-9 filed June 19, 1995).

END OF SCHEDULE A



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PTO/SB/26 (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)
14646-007-U17

In re Application of: **Carlos Neto Mendes**

Application No.: **09/024,187**

Filed: **02/23/1998**

For: **FILTERING DEVICE FOR A CITRUS JUICE EXTRACTION MACHINE AND CONFIGURATION OF A PERFORMING FILTERING TUBE FOR THE EXTRACTION OF FRUIT JUICES AND CONFIGURATION OF A CONCAVE AND RADIAL CUT HEMISPHERE FOR THE CUTTING AND PRESSING OF FRUIT FOR THE EXTRACTION OF JUICES**

The owner, Carlos Neto Mendes of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,720,318. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

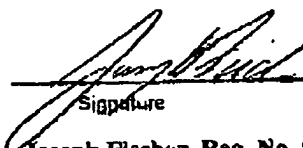
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.



Signature
11/04/2004

Date
Joseph Fischer, Reg. No. 51,210

Typed or printed name
(407) 926-7727

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/26 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.